

REMARKS

1. Applicant would like to express his appreciation for the interview conducted on December 21, 2005, with Examiner M. Scott Lowe and Supervisory Examiner Eileen D. Lillis. During this interview, Applicant presented a short video showing the operation of his trailer and a model of the actuator mechanism to demonstrate his invention.

2. The Office Action has objected to the drawings as not showing every feature specified in the claims. More particularly, the drawings do not show a prime mover which is identified in Claims 1, 34 and 43. In response thereto, Applicant has amended these claims to remove the reference to a prime mover. Accordingly, Applicant respectfully requests that this objection be reconsidered and withdrawn.

3. The Office Action has objected to Claim 34 as containing a typographical error in line 15. In response, Applicant would direct the Examiner's attention to the amendment to Claim 34 above to correct the spelling from "staid" to "said". In view of this amendment, Applicant respectfully requests that this objection be reconsidered and withdrawn.

4. The Office Action has rejected Claims 14 – 17 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 3,937,502 (Gay). More particularly, the Office Action states that Gay teaches a yoke as defined in Claim 14, and an alignment of the respective pivot axes as defined in Claim 15. This rejection is respectfully traversed.

In response, Applicants respectfully submit that the Gay dump box patent cannot meet the limitations of Claims 14 – 17, as defined in these claims. More specifically, with respect to Claim 14, the Gay reference contains no teaching or suggestion for a yoke that is connected to the actuator and pivotally connected to the load bed. Furthermore, there is no teaching or suggestion within the Gay reference for the alignment of the yoke pivot axis and the actuator pivot axis as is set forth in dependent Claim 15.

Since the Gay reference cannot meet or make obvious all of the limitations of independent Claim 14, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

5. The Office Action has rejected Claims 1 – 17, 20 – 27 and 30 – 46 under the provisions of 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 3,058,779 (Pietroroia). This rejection is respectfully traversed.

Looking first to independent Claim 1 and Claims 2 – 13 which are dependent thereon, Applicant respectfully submits that Claim 1 defines a trailer that includes three pivot axes: a tilt pivot axis about which the tilt frame pivots about the articulated frame for the tilt function of the trailer; a dump pivot axis about which the bed frame pivots on the articulated frame for the dump function; and an articulation pivot axis between the draft tongue and the tilt frame, which articulation pivot axis is defined as being forwardly of the tilt pivot axis.

While Applicant admits that Pietroroia is directed to an embodiment of a trailer having both dump and tilt functions, Applicant respectfully submits that Pietroroia contains no teaching or suggestion for a trailer having three such defined pivot axes. Pietroroia has a dump pivot axis 21 and a tilt pivot axis 17, but does not teach or suggest an articulation pivot axis. While the Examiner identifies axes 23 and/or 25 as being an articulation axis, these pivot points are for the operation and movement of the actuator and do not reflect the connection of the draft tongue to the tilt frame as is specifically defined in independent Claim 1.

Accordingly, since Pietroroia cannot meet or make obvious the trailer as defined in independent Claim 1, Applicant respectfully requests that this rejection of Claims 1 – 13 be reconsidered and withdrawn.

Independent Claim 14 and dependent Claims 15 – 17 and 20 – 24 define an actuator mechanism for use with a frame and a load bed that includes a yoke that is both connected to the actuator and pivotally connected to the load bed. Applicant respectfully submits that the Pietroroia reference does not teach a yoke as is set forth in independent Claim 14 and defined in the specification. Furthermore, Applicant respectfully submits that Pietroroia contains no teaching or suggestion for a yoke whatsoever. With reference to dependent Claim 15, through which most of the remaining dependent claims in this set of claims depend, Pietroroia contains no teaching or suggestion whatsoever to meet the limitation of the yoke pivot axis and the actuator pivot axis being in alignment to permit the actuator to be pivoted into a lowered transport position.

Accordingly, Applicant respectfully requests that this rejection of Claims 14 – 17 and 20 – 24 be reconsidered and withdrawn.

Independent Claim 25, and dependent Claims 26, 27 and 30 – 36, are directed to an apparatus that has a frame, a load bed connected to the frame for vertical movement relative thereto and an actuator mechanism that is positioned forwardly of the load bed, supported by the frame and including a yoke pivotally connected to the load bed about a yoke pivot axis that is in alignment with the actuator pivot axis. Similarly to that noted above with respect to Claims 14 and 15, Pietroroia contains no actuator as defined in Claim 25. The Pietroroia actuator is located beneath the load bed and does not contain anything remotely close to the defined yoke device pivotally connected to the load bed and in alignment with the pivot axis of the actuator.

Accordingly, Applicant respectfully requests that this rejection of Claims 25 – 27 and 30 – 36 be reconsidered and withdrawn.

Independent Claim 37, and Claims 38 – 42 which are dependent thereon, are directed to an actuating mechanism comprising a linear actuator and a yoke with arms pivotally connected to the movable member along a yoke pivot axis which is oriented such that the operative end of the actuator housing is located between the connection point of the yoke to the end of the rod of the actuator and the yoke axis when the actuator is collapsed to a minimum length. Dependent Claim 38 has limitations similar to that of Claim 15 relating to the specific alignment of the yoke pivot axis, while dependent Claim 39 is directed to a latch member associated with the actuator being lowered to a horizontal position.

Applicant respectfully submits that Pietroroia does not contain any teaching or suggestion that can meet or make obvious the limitations noted above with respect to Claims 37, 38 or 39. Pietroroia has no yoke member whatsoever, let alone one meeting the specific limitations set forth in Claim 37. Furthermore, Pietroroia has no teaching or suggestion that is remotely close to the limitations relating to the yoke pivot axis in Claim 38 or the latch mechanism in Claim 39.

Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn with respect to Claims 37 – 42.

Independent Claim 43 was added by Preliminary Amendment with the filing of the reissue patent application and is amended herein to add limitations relating to the actuator mechanism. Claim 43 is directed to a trailer that has an articulated frame including a tilt frame pivotable about tilt pivot axis, a bed frame supported on the articulated frame for selective pivotal movement about a dump pivot axis positioned rearwardly of the tilt pivot axis, a locking mechanism for selectively permitting the movement about the dump pivot axis or the tilt pivot axis, and an actuator mounted on said draft tongue forwardly of the bed to effect the pivotal movement of the bed frame.

Applicant respectfully submits that Pietroroia does not contain any teaching or suggestion of an actuator positioned forwardly of the bed frame to effect the pivotal movement of the bed frame. The Pietroroia reference teaches an actuator that is located beneath the bed frame, requiring a higher bed frame to provide the same road clearance as can be obtained with the instant invention as defined by independent Claim 43.

In view of the amendments made above, Applicant respectfully requests that this rejection be reconsidered and withdrawn with respect to Claims 43 – 46.

In view of the arguments and amendments made above, Applicant respectfully requests that this rejection under 35 U.S.C. §102(b) be reconsidered and withdrawn.

6. The Office Action has rejected Claims 18 and 19 as being unpatentable under the provisions of 35 U.S.C. §103(a) over Gay in view of PCT Publication WO/83/00033 (Chapman), and the Office Action has rejected Claims 18, 19, 28 and 29 under the provisions of 35 U.S.C. §103(a) over Pietroroia in view of Chapman. These rejections are respectfully traversed.

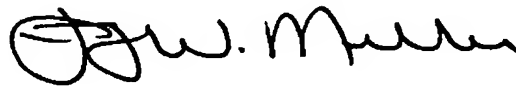
Applicant admits that Chapman contains teaching of a screw jack, but respectfully submits that Chapman contains no teaching or suggestion that can meet the limitations of independent Claim 14 from which Claims 18 and 19 depend, or of independent Claim 25 from which Claims 28 and 29 depend. Applicant respectfully submits that Chapman adds nothing to either the Gay or Pietroroia references to define an actuator mechanism is set forth in Claims 14 or 25. Thus, the Gay, Pietroroia and Chapman references, whether taken singly or in any combination, cannot meet or make obvious the limitations of Claims 18, 19, 28 or 29.

Accordingly, Applicant respectfully requests that these rejections be reconsidered and withdrawn and that Claims 18, 19, 28 and 29 be passed to allowance with the independent claims from which they depend.

7. In summary, Claims 1, 34 and 43 have been amended and Claims 1 – 46 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,



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Larry W. Miller, Reg. No. 29,417
Attorney for Applicant
Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609
Phone: 610-670-9000
Fax: 610-670-9901